IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 1140 OF 2003

IN

SUMMARY SUIT NO. 109 OF 2003

M/s. Alfa Chemical Corpn. .....Plffs.
vs.
M/s. Spectrum Alkyd and
Resins Ltd .....Defnds.

Mr.A.K. Baheti i/b. Y.M. Chaudhary
for the plaintiffs.
Mr.S. Malik, advocate
for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 6th September, 2005.

P.C. :.

1. The present suit is filed inrespect of the loan agreement under which the defendants have sold the goods for further distribution. The defendant has received the said goods. However the defendant

contends that the signature on the receipt produced by the plaintiff from the transporters is not his signature. I am unable to accept the aforesaid contention. The document coming from the third party custody cannot be rejected merely on the ground that the defendant is disputing his signature. The said document is taken on record and marked ‘X’ for identification. However with a view to grant a opportunity to defend the suit I direct the defendant to deposit sum of Rs.20.00 lacs within four weeks failing which the plaintiff will be entitled to the decree. The amount so deposited be invested by the Prothonotary and Senior Master with the fixed deposits in any nationalised bank initially for a period of three years and renew the same from time to time till further orders.

2. If the amount is paid as aforestated, then suit is transferred to the list of Commercial Causes. Written statement or points of defence to be filed four weeks from today. Affidavits, list

of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

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